

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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IN RE SEPTEMBER 11 LITIGATION

: ORDER TO SHOW CAUSE—
: UNSEALING OF SUBROGEE
: INSURERS' RECOVERIES IN
: PROPERTY DAMAGE
: SETTLEMENT

: 21 MC 101

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ALVIN K. HELLERSTEIN, U.S.D.J.:

In July 2010, I approved a settlement in this Master Calendar between 18 of the 21 Property Damage Plaintiffs and the Aviation Defendants. In re Sept. 11 Litig., 723 F. Supp. 2d 534 (S.D.N.Y. 2010). I also granted a motion to unseal the aggregate settlement amount and the allocations made by the Aviation Defendants, but continued the sealing order with respect to the amount that each settling Plaintiff was to recover. In re Sept. 11 Litig., 723 F. Supp. 2d 526 (S.D.N.Y. 2010).

The WTCP Plaintiffs appealed my approval of the settlement, but the Second Circuit affirmed. In re Sept. 11 Prop. Damage Litig., 10-2970-cv, 2011 WL 1331847 (2d Cir. April 8, 2011). Subsequently, the WTCP Plaintiffs filed suit against their insurers, asking to recover a portion of the insurers' subrogation recoveries. The litigation seeks to draw into issue individual recoveries and allocation formulas in relation to the settlement.

In light of the issues presented in the new litigation, further secrecy regarding the subrogated insurers' recoveries appears unwarranted. Within 10 days, each affected insurer shall show cause why I should not unseal the amounts they recovered under the settlement.

SO ORDERED.

Dated: June 2, 2011
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge